



**HUMANE SOCIETY
VETERINARY MEDICAL
ASSOCIATION**

50-State Survey of Statutes and Regulations
Requiring Veterinarians to Report Suspected
Animal Abuse and Cruelty
&
Providing Immunity from Civil and Criminal
Penalties for Veterinarians in Connection with
Reporting

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INTRODUCTION

This survey provides a synopsis of the statutes and/or regulations of each state that require a veterinarian to report suspected animal cruelty and also provides civil and/or criminal immunity from any liability arising from making an erroneous claim of animal abuse. Following each synopsis is a reproduction of the relevant statutes. The following states have no statutes or regulations that either require veterinarians to report suspected cases of animal abuse/neglect or protect veterinarians or members of the public if they do so:

- Alabama
- Alaska
- Arkansas
- Connecticut
- Delaware
- Hawaii
- Kentucky
- Louisiana
- Missouri
- Montana
- Nebraska
- Nevada
- New Jersey
- North Dakota
- Pennsylvania
- Ohio
- South Carolina
- South Dakota
- Tennessee
- Washington
- Wyoming
- Washington D.C.

ETHICAL OBLIGATIONS

AVMA

The American Veterinary Medical Association (“AVMA”) has a written policy on Animal Abuse and Neglect which states as follows:

The AVMA recognizes that veterinarians may observe cases of animal abuse or neglect as defined by federal or state laws, or local ordinances. When these situations cannot be resolved through education, the AVMA considers it the responsibility of the veterinarian to report such cases to appropriate authorities. Disclosure may be necessary to protect the health and welfare of animals and people. Veterinarians should be aware that accurate record keeping and documentation of these cases are invaluable.

http://www.avma.org/issues/policy/animal_welfare/abuse.asp. Thus, it appears that all licensed veterinarians in the U.S. arguably have an ethical duty to report animal abuse.

State Veterinary Medical Associations

North Carolina – The North Carolina VMA has a position statement that “encourages” veterinarians “to take an active role in detecting, preventing and reporting suspected cases of intentional animal abuse.” <http://www.ncvma.org/home/ncvma/position.html>.

Other States – The state veterinary medical associations for other states do not have position statements on reporting animal abuse, at least in the publicly-accessible areas of their websites.

ARIZONA

Arizona requires veterinarians to report regarding dog fighting and animal abuse within 30 days of examination or treatment of (i) any dog or animal which they reasonably suspect and believe has participated in an organized dog fight or (ii) any animal they reasonably suspect and believe has been abused. A.R.S. § 32-2239(A). Veterinarians must also report suspected cases of livestock abuse within 30 days of examination or treatment. A.R.S. § 32-2239(B). Veterinarians have civil immunity for good faith reporting under these sections. A.R.S. § 32-2239(C).

* * *

A.R.S. § 32-2239. Duty of veterinarian to report suspected dog participant of dog fight or animal abuse; immunity

A. A veterinarian shall report in writing concerning any dog fighting or animal abuse to a local law enforcement agency in the county where the veterinarian is practicing within thirty days of any examination or treatment administered to any dog or any animal which the veterinarian reasonably suspects and believes has participated in an organized dog fight or any animal which the veterinarian reasonably suspects and believes has been abused. The report shall contain the breed and description of the dog or any animal together with the name and address of the owner.

B. A veterinarian shall report, in writing, suspected cases of abuse of livestock to the associate director of the division of animal services in the Arizona department of agriculture pursuant to Title 3, Chapter 11, Article 1. The report shall be made within thirty days of treatment or examination and shall include the breed and description of the animal together with the name and address of the owner.

C. A veterinarian who files a report as provided in this section shall be immune from civil liability with respect to any report made in good faith.

CALIFORNIA

California requires veterinarians to report animal abuse or cruelty when they have “reasonable cause to believe that a dog has been injured or killed through participation in a staged animal fight,” and conveys immunity upon the veterinarian making this report or any other report of animal cruelty not based on dog fighting. Cal Bus & Prof Code § 4830.5.

* * *

Cal Bus & Prof Code § 4830.5. Report of animal abuse or cruelty

Whenever any licensee under this chapter has reasonable cause to believe that a dog has been injured or killed through participation in a staged animal fight, as prescribed in Section 597b of the Penal Code, it shall be the duty of the licensee to promptly report the same to the appropriate law enforcement authorities of the county, city, or city and county in which the same occurred.

No licensee shall incur any civil liability as a result of making any report pursuant to this section or as a result of making any report of a violation of Section 596, subdivision (a) or (b) of Section 597, or Section 597b, 597f, 597g, 597n, or 597.5 of the Penal Code.

COLORADO

Colorado requires that veterinarians report instances of animal cruelty or animal fighting, when “during the course of attending or treating an animal, [the veterinarian] has reasonable cause to know or suspect” animal cruelty or fighting. C.R.S.A. §12-64-121(1). A veterinarian who “willfully violates” the mandatory reporting provision commits a class 1 petty offense. C.R.S.A. §12-64-121(3). A veterinarian who in good faith reports pursuant to the mandatory reporting provision is immune from civil and criminal liability for reporting; good faith is presumed. C.R.S.A. §12-64-121(4). The veterinary-patient-client privilege may not be asserted for the purpose of excluding or refusing evidence or testimony in a prosecution for animal cruelty or animal fighting. C.R.S.A. §12-64-121(5).

* * *

C.R.S.A. 12-64-121. Reporting requirements - immunity for reporting - veterinary-patient-client privilege inapplicable

- (1) A licensed veterinarian who, during the course of attending or treating an animal, has reasonable cause to know or suspect that the animal has been subjected to cruelty in violation of section 18-9-202, C.R.S., or subjected to animal fighting in violation of section 18-9-204, C.R.S., shall report or cause a report to be made of the animal cruelty or animal fighting to a local law enforcement agency or the bureau of animal protection.
- (2) A licensed veterinarian shall not knowingly make a false report of animal cruelty or animal fighting to a local law enforcement agency or to the bureau of animal protection.
- (3) A licensed veterinarian who willfully violates the provisions of subsection (1) or (2) of this section commits a class 1 petty offense, punishable as provided in section 18-1.3-503, C.R.S.
- (4) A licensed veterinarian who in good faith reports a suspected incident of animal cruelty or animal fighting to the proper authorities in accordance with subsection (1) of this section shall be immune from liability in any civil or criminal action brought against the veterinarian for reporting the incident. In any civil or criminal proceeding in which the liability of a veterinarian for reporting an incident described in subsection (1) of this section is at issue, the good faith of the veterinarian shall be presumed.
- (5) The veterinary-patient-client privilege described in section 24-72-204 (3) (a) (XIV), C.R.S., may not be asserted for the purpose of excluding or refusing evidence or testimony in a prosecution for an act of animal cruelty under section 18-9-202, C.R.S., or for an act of animal fighting under section 18-9-204, C.R.S.

FLORIDA

Florida does not require veterinarians to report suspected cases of animal abuse/neglect. Veterinarians have immunity for their “part in an investigation of cruelty to animals.” F.S.A. § 828.12(3).

* * *

F.S.A. § 828.12. Cruelty to animals

(1) A person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$ 5,000, or both.

(2) A person who intentionally commits an act to any animal which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or by a fine of not more than \$ 10,000, or both.

(a) A person convicted of a violation of this subsection, where the finder of fact determines that the violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, shall be ordered to pay a minimum mandatory fine of \$ 2,500 and undergo psychological counseling or complete an anger management treatment program.

(b) Any person convicted of a second or subsequent violation of this subsection shall be required to pay a minimum mandatory fine of \$ 5,000 and serve a minimum mandatory period of incarceration of 6 months. In addition, the person shall be released only upon expiration of sentence, shall not be eligible for parole, control release, or any form of early release, and must serve 100 percent of the court-imposed sentence. Any plea of nolo contendere shall be considered a conviction for purposes of this subsection.

(3) A veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this section. Such a veterinarian is, therefore, under this subsection, immune from a lawsuit for his or her part in an investigation of cruelty to animals.

(4) A person who intentionally trips, fells, ropes, or lassos the legs of a horse by any means for the purpose of entertainment or sport shall be guilty of a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, "trip" means any act that consists of the use of any wire, pole, stick, rope, or other apparatus to cause a horse to fall or lose its balance, and "horse" means any animal of any registered breed of the genus *Equus*, or any recognized hybrid thereof. The provisions of this subsection shall not apply when tripping is used:

- (a) To control a horse that is posing an immediate threat to other livestock or human beings;
- (b) For the purpose of identifying ownership of the horse when its ownership is unknown; or
- (c) For the purpose of administering veterinary care to the horse.

GEORGIA

Georgia does not require veterinarians to report suspected cases of animal abuse/neglect. Veterinarians and veterinary technicians have civil and criminal immunity for reporting animal cruelty or dog fighting in good faith. O.C.G.A. § 4-11-17.

* * *

O.C.G.A. § 4-11-17. Filing a report regarding animal cruelty; immunity

(a) Notwithstanding Code Section 24-9-29 or any other provision of law to the contrary, any licensed veterinarian or veterinary technician having reasonable cause to believe that an animal has been subjected to animal cruelty in violation of Code Section 16-12-4 or an act prohibited under Code Section 16-12-37 may make or cause to be made a report of such violation to the Commissioner, his or her designee, an animal control officer, a law enforcement agency, or a prosecuting attorney and may appear and testify in any judicial or administrative proceeding concerning the care of an animal.

(b) Any person participating in the making of a report pursuant to this Code section or participating in any administrative or judicial proceeding pursuant to this article or Title 16 shall, in so doing, be immune from any civil or criminal liability that might otherwise be incurred or imposed, provided such participation pursuant to this Code section or any other law is made in good faith.

IDAHO

Idaho does not require veterinarians to report suspected cases of animal abuse/neglect. But veterinarians have civil and criminal immunity for their “part in an investigation of cruelty of animals,” provided they have not participated or reported in bad faith or with malice. Idaho Code § 25-3514A

* * *

Idaho Code § 25-3514A. Immunity

Any Idaho licensed veterinarian shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this chapter. Such a veterinarian is, therefore, protected from a lawsuit for his part in an investigation of cruelty to animals. Provided however, that a veterinarian who participates or reports in bad faith or with malice shall not be protected under the provisions of this section.

ILLINOIS

Illinois requires veterinarians who suspect that an animal has been abused to file a report with the Department of Agriculture of Illinois and provide the information specified by the statute. Veterinarians making a good faith report have civil and criminal immunity. Good faith is presumed. 510 ILCS 70/3.07. Veterinarians also receive immunity for making good faith reports where there is a “reasonable possibility” of dog fighting or injuries caused to other animals used in a fighting event, when presented with the dog or other animal for treatment. Good faith is rebuttably presumed. 720 ILCS 5/26-5(l); 510 ILCS 70/4.01(k).

* * *

§ 510 ILCS 70/3.07. Veterinarian reports; humane euthanasia

Sec. 3.07. Veterinarian reports; humane euthanasia. Any veterinarian in this State who observes or is presented with an animal or animals for the treatment of aggravated cruelty under Section 3.02 or torture under Section 3.03 of this Act [510 ILCS 70/3.02 or 510 ILCS 70/3.03] must file a report with the Department and cooperate with the Department by furnishing the owner's name, the date of receipt of the animal or animals and any treatment administered, and a description of the animal or animals involved, including a microchip number if applicable. Any veterinarian who in good faith makes a report, as required by this Section, has immunity from any liability, civil, criminal, or otherwise, that may result from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the veterinarian shall be presumed.

An animal control warden, animal control administrator, approved humane investigator, or animal shelter employee may humanely euthanize severely injured, diseased, or suffering animals in exigent circumstances.

§ 510 ILCS 70/4.01. Animals in entertainment

(k) Any veterinarian in this State who is presented with an animal for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the animal was engaged in or utilized for a fighting event for the purposes of sport, wagering, or entertainment shall file a report with the Department and cooperate by furnishing the owners' names, dates, and descriptions of the animal or animals involved. Any veterinarian who in good faith complies with the requirements of this subsection has immunity from any liability, civil, criminal, or otherwise, that may result from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the veterinarian shall be rebuttably presumed.

§ 720 ILCS 5/26-5. Dog fighting

(l) Any veterinarian in this State who is presented with a dog for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the dog was engaged in or utilized for a fighting event for the purposes of sport, wagering, or entertainment shall file a report with the Department of Agriculture and cooperate by furnishing the owners' names, dates, and descriptions of the dog or dogs involved. Any veterinarian who in good faith complies with

the requirements of this subsection has immunity from any liability, civil, criminal, or otherwise, that may result from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the veterinarian shall be rebuttably presumed.

INDIANA

Indiana does not require veterinarians to report suspected cases of animal abuse/neglect. Veterinarians and registered veterinary technicians have civil and criminal immunity for reporting in good faith and in the normal course of business a suspected incident of animal cruelty to a law enforcement officer. I.C. 25-38.1-4-8.5.

* * *

I.C. 25-38.1-4-8.5 Good faith reporting of animal cruelty; immunity from liability

Sec. 8.5. A veterinarian or registered veterinary technician who reports in good faith and in the normal course of business a suspected incident of animal cruelty under IC 35-46-3-12 to a law enforcement officer is immune from liability in any civil or criminal action brought for reporting the incident.

IOWA

Iowa has no statutes or regulations that either require veterinarians to report suspected cases of animal abuse/neglect or protect veterinarians or members of the public if they do so.

The Iowa Veterinary Medical Association, however, provides a guide for veterinarians on animal welfare that encourages veterinarians to report cases of animal abuse. The guide proposes that a veterinarian's ethical obligations (Veterinarian's Oath) in combination with the research suggesting the link between animal cruelty and other types of cruelty/abuse create a responsibility to report animal abuse.

<http://www.iowavma.org/associations/3964/Animal%20Welfare%20Guide%2Epdf>

KANSAS

Kansas permits veterinarians, humane society officers or agents, and others to take into custody “any animal, upon either private or public property, which clearly shows evidence of cruelty to animals.” K.S.A. §21-4311(a). The owner of an animal placed for adoption or killed pursuant to subsection (a) cannot recover damages unless the owner proves that such placement or killing was “unwarranted.” K.S.A. §21-4311(b).

Ordinarily, veterinarians cannot disclose any information concerning the veterinarian’s care of an animal except on written authorization or other waiver by the veterinarian’s client or on appropriate court order or subpoena. K.S.A. §47-839. An exception permits veterinarians to “report cruel or inhumane treatment of any animal to federal, state or local governmental agencies.” *Id.*

* * *

K.S.A. 21-4311. Cruelty to animals; custody of animal; disposition; damages for killing, when; expenses of care assessed owner, when; duty of county or district attorney.

(a) Any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any incorporated humane society, animal shelter or other appropriate facility may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding or other care or, if an officer of such humane society or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing. If the animal is placed in the care of an animal shelter, the animal shelter shall notify the owner or custodian, if known or reasonably ascertainable. If the owner or custodian is charged with a violation of K.S.A. 21-4310, and amendments thereto, the board of county commissioners in the county where the animal was taken into custody shall establish and approve procedures whereby the animal shelter may petition the district court to be allowed to place the animal for adoption or euthanize the animal at any time after 20 days after the owner or custodian is notified or, if the owner or custodian is not known or reasonably ascertainable after 20 days after the animal is taken into custody, unless the owner or custodian of the animal files a renewable cash or performance bond with the county clerk of the county where the animal is being held, in an amount equal to not less than the cost of care and treatment of the animal for 30 days. Upon receiving such petition, the court shall determine whether the animal may be placed for adoption or euthanized. The board of county commissioners in the county where the animal was taken into custody shall review the cost of care and treatment being charged by the animal shelter maintaining the animal.

(b) The owner or custodian of an animal placed for adoption or killed pursuant to subsection (a) shall not be entitled to recover damages for the placement or killing of such animal unless the owner proves that such placement or killing was unwarranted.

(c) Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to subsection (a), pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of such crime.

(d) Upon the filing of a sworn complaint by any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any incorporated humane society, animal shelter or other appropriate facility alleging the commission of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, the county or district attorney shall determine the validity of the complaint and shall forthwith file charges for the crime if the complaint appears to be valid.

(e) If a person is adjudicated guilty of the crime of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, and the court having jurisdiction is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.

K.S.A. 47-839. Confidentiality; exceptions; waiver.

(a) Except as otherwise provided under K.S.A. 47-622 and 47-624, and amendments thereto, a licensed veterinarian shall not disclose any information concerning the veterinarian's care of an animal except on written authorization or other waiver by the veterinarian's client or on appropriate court order or subpoena. Any veterinarian who releases information under written authorization or other waiver by the client or under court order or subpoena shall not be liable to the client or any other person. The privilege provided by this section shall be waived under the following circumstances: (1) Reporting cruel or inhumane treatment of any animal to federal, state or local governmental agencies; (2) where information is necessary to provide care in an emergency where the absence of immediate medical attention could reasonably be expected to place the animal's health in serious jeopardy or impair bodily function; (3) where the failure to disclose vaccination information may endanger the public's health, safety or welfare; (4) where the veterinarian's client or the owner of the animal places the veterinarian's care and treatment of the animal or the nature and extent of injuries to the animal at issue in any civil or criminal proceeding; or (5) in relation to any investigation by the board and any subsequent administrative disciplinary action brought by the board.

(b) This section shall be part of and supplemental to the Kansas veterinary practice act.

MAINE

Maine requires veterinarians, when acting in a professional capacity, to make a report when they have reasonable cause to suspect that an animal has been subjected to aggravated cruelty as defined by 17 M.R.S.A. § 1031-1-B. 7 M.R.S.A. § 4018(1). Veterinarians, when acting in a professional capacity, are permitted to make reports when they have reasonable cause to suspect that an animal has been subjected to lesser forms of abuse. 7 M.R.S.A. § 4018(1). “A veterinarian reporting or testifying under this section is immune from criminal or civil liability or professional disciplinary action that might otherwise result from these actions. The immunity from liability for releasing confidential information applies only to the release of information to the court or to the department, an animal control officer, attorney for the State or law enforcement agency involved in the investigation.” 7 M.R.S.A. § 4018(2).

State veterinarians, law enforcement officers, the commissioner or the commissioner’s designee, humane agents, and certified animal control officers may exchange information and reports pertaining to a state investigation of cruelty to animals. 17 M.R.S.A. § 1023-3.

* * *

§ 4018. Report of suspected cruelty

1. **REPORT BY VETERINARIAN.** A veterinarian licensed in accordance with Title 32, chapter 71-A who, while acting in a professional capacity, has reasonable cause to suspect that an animal is the subject of cruelty or neglect in violation of this chapter or Title 17, chapter 42, may report the suspected violation to the commissioner, the commissioner's designee, an animal control officer, attorney for the State or law enforcement officer. A veterinarian making a report under this section may appear and testify in a judicial or administrative proceeding concerning the condition or care of the animal.

2. **IMMUNITY.** A veterinarian reporting or testifying under this section is immune from criminal or civil liability or professional disciplinary action that might otherwise result from these actions. The immunity from liability for releasing confidential information applies only to the release of information to the court or to the department, an animal control officer, attorney for the State or law enforcement agency involved in the investigation.

MARYLAND

Maryland regulations provide that veterinarians suspecting animal abuse “should” make a record of the condition of the animal and the basis for suspecting cruelty, and promptly report the suspected cruelty (including animal fighting) to the appropriate local law enforcement or county animal agency (as identified in a list created by the Board of Veterinary Medical Examiners). Veterinarians have civil immunity for good faith reporting. MD ADC 15.14.15.03.

* * *

.03 Reporting Procedure.

A. A veterinarian should do the following, if a case of suspected animal cruelty is presented:

- (1) Note the condition of the animal upon presentation in the animal's treatment record;
- (2) Note the basis for suspecting cruelty in the animal's treatment record; and
- (3) Promptly report the suspected instance of cruelty, including animal fighting, to the appropriate local law enforcement or county animal control agency.

B. The Board shall maintain a list of the appropriate law enforcement or county animal control agencies that veterinarians may contact for reporting purposes.

C. A veterinarian who reports, in good faith, a suspected incident of animal cruelty is immune from any civil liability that results from this report, in accordance with Courts and Judicial Proceedings Article, §5-424, Annotated Code of Maryland.

MASSACHUSETTS

Massachusetts does not require veterinarians to report suspected cases of animal abuse/neglect. Veterinarians who report in good faith and in the normal course of business a suspected act of animal cruelty (as prohibited under section 77 or section 94 of chapter 272) to a police officer, or a special state police officer (appointed under section 57 of chapter 22C), have civil and criminal immunity for reporting. ALM GL ch. 112, § 58B

* * *

ALM GL ch. 112, § 58B. Cruelty to Animals; Limited Liability.

A veterinarian duly registered under section 55 who reports, in good faith and in the normal course of business, a suspected act of cruelty to animals prohibited under section 77 or section 94 of chapter 272 to a police officer, or a special state police officer appointed under section 57 of chapter 22C, shall not be liable in a civil or criminal action for reporting such act.

MICHIGAN

Michigan does not require veterinarians to report suspected cases of animal abuse/neglect. But veterinarians and veterinary technicians have civil and criminal immunity for making good faith reports to “a peace officer, an animal control officer, or an officer of a private organization devoted to the humane treatment of animals” regarding an animal that the veterinarian or veterinary technician “knows or reasonably believes to be abandoned, neglected or abused.” M.C.L.A. 333.18827.

* * *

333.18827. Abandoned, neglected, or abused animals; reporting to peace officers; immunity from civil or criminal liability

A veterinarian or veterinary technician who in good faith reports to a peace officer, an animal control officer, or an officer of a private organization devoted to the humane treatment of animals an animal that the veterinarian or veterinary technician knows or reasonably believes to be abandoned, neglected, or abused is immune from civil or criminal liability for making the report.

MINNESOTA

Minnesota requires veterinarians to report known or suspected cases of abuse, cruelty, or neglect to peace officers and humane agents. Minn.Stat. §346.37(6)

* * *

Pet and Companion Animal Welfare Act

Minn.Stat. 346.37 General Provisions

Subd. 6. Reports of abuse, cruelty, or neglect.

A veterinarian must report known or suspected cases of abuse, cruelty, or neglect to peace officers and humane agents as provided in 343.12 and 343.29.

MISSISSIPPI

Mississippi does not require veterinarians to report suspected cases of animal abuse/neglect. Veterinarians who report “in good faith and in the normal course of business, a suspected incident of animal cruelty to the proper authorities” have civil and criminal immunity for reporting. Miss. Code Ann. § 73-39-87

* * *

Miss. Code Ann. § 73-39-87. Immunity from liability for veterinarians reporting suspected incidents of animal cruelty

Any veterinarian licensed in this state who reports, in good faith and in the normal course of business, a suspected incident of animal cruelty to the proper authorities shall be immune from liability in any civil or criminal action brought against the veterinarian for reporting the incident.

NEW HAMPSHIRE

New Hampshire does not require veterinarians to report suspected cases of animal abuse/neglect. But veterinarians (and others) have civil immunity for good faith reports, statements, communications, or testimony made to the board of veterinary medicine regarding animal cruelty. RSA 332-B:16-a. In addition, veterinarians have civil and criminal immunity for participating in an investigation of cruelty to animals. RSA 644:8.

* * *

RSA 332-B:16-a Immunity From Civil Action.

No civil action shall be maintained against the [Veterinary] board or any member thereof, or any agent or employee of the board, with regard to any action or activity in the performance of any duty or authority established by this chapter. Nor shall any civil action be maintained against any other organization or individual for or by reason of any good faith statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

RSA 644:8 Cruelty to Animals.

V. A veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made for services rendered under the provisions of this section or RSA 435:11-16. Such a veterinarian is, therefore, under this paragraph, protected from a lawsuit for his part in an investigation of cruelty to animals.

NEW MEXICO

New Mexico does not require veterinarians to report suspected cases of animal cruelty or protect veterinarians or members of the public if they do so. However New Mexico statute provides that the client/veterinarian confidential relationship is not violated when a veterinarian reports “cruelty or illegal action.” N.M. Code R. §16.25.3.8(R).

* * *

Professional Conduct of Veterinary Medicine Practitioners.

16.25.3.8(R). A licensed veterinarian shall not violate the confidential relationship between himself and his client. The reporting of cruelty or illegal action is not a violation of confidentiality.

NEW YORK

New York does not require veterinarians to report suspected cases of animal abuse/neglect. Veterinarians may report and disclose records to specified authorities concerning a companion animal they have treated, if they reasonably and in good faith believe that the animal's injury is the result of "animal cruelty or a violation of any state or federal law pertaining to the care, treatment, abuse or neglect of a companion animal." Veterinarians have civil and criminal immunity for doing so reasonably and in good faith. NY CLS Educ. § 6714.

* * *

NY CLS Educ. § 6714. Treatment records

1. Upon written request from the owner of an animal which has received treatment from or under the supervision of a veterinarian, such veterinarian shall provide to such owner within a reasonable time period a copy of all records relating to the treatment of such animal. For the purposes of this section, the term "records" shall mean all information concerning or related to the examination or treatment of the animal kept by the veterinarian in the course of his or her practice. A veterinarian may impose a reasonable charge for providing copies of such records. A veterinarian may make available to the owner either the original or a copy of such record or document including x-rays, electrocardiograms and other diagnostic tests and may impose a reasonable fee for the reproduction of such copies.

2. A veterinarian licensed pursuant to this article, may disclose records, as defined in this section, concerning a companion animal as defined in section three hundred fifty of the agriculture and markets law which has received treatment by such veterinarian without the consent of the companion animal's owner under the following circumstances:

(a) When a veterinarian reasonably and in good faith suspects that a companion animal's injury, illness or condition is the result of animal cruelty or a violation of any state or federal law pertaining to the care, treatment, abuse or neglect of a companion animal, the veterinarian may report the incident and disclose records concerning the companion animal's condition and treatment to the police, duly incorporated society for the prevention of cruelty to animals, peace officer, district attorney's office, animal control officer, department of agriculture and markets, other appropriate government agency, or any agent thereof.

(b) When a veterinarian reasonably believes that disclosure of records as defined in this section, is necessary to protect the health or welfare of a companion animal, a person or the public, the veterinarian may disclose such records to the police, duly incorporated society for the prevention of cruelty to animals, peace officer, animal control officer, department of agriculture and markets, other appropriate government agency, or any agent thereof.

3. A veterinarian acts in good faith within the meaning of this section when he or she reasonably believes that his or her actions are necessary to protect the health and welfare of the companion animal or the public.

4. A veterinarian who reasonably and in good faith reports or discloses records in accordance with this section shall be immune from liability in the form of damages in any civil or criminal proceeding on account of such reporting or disclosure.

NORTH CAROLINA

North Carolina does not require veterinarians to report suspected cases of animal abuse/neglect. Veterinarians have civil, criminal, and professional disciplinary immunity and do not breach any veterinarian-patient confidentiality for reporting animal cruelty or participating in any investigation or testifying in any judicial proceeding that arises from a report of animal cruelty, if they have “reasonable cause to believe” that the animal has been the subject of animal cruelty and have not acted in bad faith or with a malicious purpose. Good faith is rebuttably presumed. N.C.G.S. §14-360.1.

* * *

N.C.G.S. § 14-360.1. Immunity for veterinarian reporting animal cruelty

Any veterinarian licensed in this State who has reasonable cause to believe that an animal has been the subject of animal cruelty in violation of G.S. 14-360 and who makes a report of animal cruelty, or who participates in any investigation or testifies in any judicial proceeding that arises from a report of animal cruelty, shall be immune from civil liability, criminal liability, and liability from professional disciplinary action and shall not be in breach of any veterinarian-patient confidentiality, unless the veterinarian acted in bad faith or with a malicious purpose. It shall be a rebuttable presumption that the veterinarian acted in good faith. A failure by a veterinarian to make a report of animal cruelty shall not constitute grounds for disciplinary action under G.S. 90-187.8.

OKLAHOMA

Oklahoma requires veterinarians to “report suspected cases of animal abuse to a local law enforcement agency in the county where the veterinarian is practicing within twenty-four (24) hours of any examination or treatment administered to any animal which the veterinarian reasonably suspects and believes has been abused. The report shall contain the breed and description of the animal together with the name and address of the owner.” Veterinarians have civil immunity for good faith reports made pursuant to this statute. OK ST T. 21 § 1680.3.

* * *

21 Okl. St. § 1680.3 Veterinarian required to report suspected animal abuse--Immunity from civil liability

A. A veterinarian shall report suspected cases of animal abuse to a local law enforcement agency in the county where the veterinarian is practicing within twenty-four (24) hours of any examination or treatment administered to any animal which the veterinarian reasonably suspects and believes has been abused. The report shall contain the breed and description of the animal together with the name and address of the owner.

B. A veterinarian who files a report as provided in this section shall be immune from civil liability with respect to any report made in good faith.

OREGON

Oregon requires a veterinarian to report when the veterinarian has “reasonable cause to believe that an animal with which the veterinarian has come in contact has suffered aggravated animal abuse [defined in ORS §167.322], or that any person with whom the veterinarian has come in contact has committed aggravated animal abuse.” ORS § 686.455. Veterinarians and veterinary technicians also may report regarding any animal they “know[] or reasonably believe[] to be abandoned, neglected or abused,” and have civil and criminal immunity for doing so. ORS § 686.445.

* * *

ORS § 686.455. Duty to report aggravated animal abuse.

(1) A veterinarian who has reasonable cause to believe that an animal with which the veterinarian has come in contact has suffered aggravated animal abuse, or that any person with whom the veterinarian has come in contact has committed aggravated animal abuse, shall immediately report the suspected aggravated animal abuse in the manner prescribed in subsection (2) of this section.

(2) A report of suspected aggravated animal abuse required under subsection (1) of this section shall be made to a law enforcement agency, either orally or in writing, and shall include, if known:

- (a) The name and description of each animal involved;
- (b) The address and telephone number of the owner or other person responsible for the care of the animal;
- (c) The nature and extent of the suspected aggravated animal abuse;
- (d) Any evidence of previous aggravated animal abuse;
- (e) Any explanation given for the suspected aggravated animal abuse; and(f) Any other information that the person making the report believes may be helpful in establishing the cause of the suspected aggravated animal abuse or the identity of the person causing the aggravated animal abuse.

RHODE ISLAND

Rhode Island does not require veterinarians to report suspected cases of animal abuse/neglect. Veterinarians have civil and criminal immunity for reporting concerning any animal they “know[] or reasonably believed to be abandoned, neglected, or abused,” unless they participate or report in bad faith or with malice. R.I. Gen. Laws §4-1-37.

* * *

R.I. Gen. Laws § 4-1-37. Immunity from suit

Any Rhode Island licensed veterinarian shall be held harmless from either criminal or civil liability arising out of any reports, either oral or written, made to local and/or state police, animal control officials or officers of private organizations devoted to humane treatment of animals, concerning any animal that the veterinarian knows or reasonably believed to be abandoned, neglected, or abused, and shall be immune from suit by reason of making the report. Provided, however, that a veterinarian who participates or reports in bad faith or with malice shall not be protected under the provisions of this section.

TEXAS

Texas does not require veterinarians to report suspected cases of animal abuse/neglect. But veterinarians have civil and criminal immunity for reporting in good faith and in the normal course of business a suspected incident of animal cruelty under Sections 42.09 or 42.092 of the Penal Code. Tex. Occ. Code § 801.3585.

* * *

Tex. Occ. Code § 801.3585 Liability for Reporting Animal Cruelty; Immunity

A veterinarian who in good faith and in the normal course of business reports to the appropriate governmental entity a suspected incident of animal cruelty under Section 42.09 or 42.092, Penal Code, is immune from liability in a civil or criminal action brought against the veterinarian for reporting the incident.

UTAH

Utah does not require veterinarians to report suspected cases of animal abuse/neglect. Veterinarians have civil and criminal immunity for reporting in good faith and in the normal course of business a suspected case of animal cruelty. Utah Code Ann. § 58-28-602.

* * *

Utah Code Ann. § 58-28-602. Cruelty to animals -- Immunity for reporting

A licensed veterinarian who in good faith and in the normal course of business, reports a suspected case of animal cruelty to law enforcement or the proper authorities is immune from liability in any civil or criminal action brought against the veterinarian for reporting the suspected cruelty.

VERMONT

Vermont does not require veterinarians to report suspected cases of animal abuse/neglect. Veterinarians do not have monetary liability and have civil immunity, if they in good faith and in the normal course of practice report suspected cases of cruelty to animals as defined in sections 352 and 352a of Title 13. 26 V.S.A. § 2404.

* * *

26 V.S.A. § 2404. Immunity from liability for reporting suspected cases of animal cruelty

(a) There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, a veterinarian licensed to practice in this state who, in good faith and in the normal course of practice, reports suspected cases of cruelty to animals, as defined in sections 352 and 352a of Title 13, to any humane officer or officer as defined in subdivision 351(4) of Title 13 or local board of health officer or agent.

(b) There shall be no monetary liability on the part of, and no cause of action for damages against, a veterinarian licensed to practice in this state who accompanies a humane officer during the execution of a warrant pursuant to section 354 of Title 13, or evaluates the health of and provides medical attention to, including a decision for euthanasia, an animal brought to that veterinarian for health assessment, pursuant to section 354.

(c) There shall be no monetary liability on the part of, and no cause of action for damages against, a veterinarian licensed to practice in this state who inspects premises or orders a quarantine pursuant to section 3682 or 3683 of Title 20.

VIRGINIA

Virginia does not require veterinarians to report suspected cases of animal abuse/neglect. Veterinarians have immunity from liability when they act in good faith and properly exercise professional judgment regarding reporting cases of suspected cruelty to animals. Va. Code Ann. §3.1-6507.

* * *

Va. Code Ann. § 3.2-6507. Injured or sick animal; action by veterinarian

A. If a licensed veterinarian is called or by his own action comes upon an animal that is sick or injured and the owner of such animal cannot be immediately located, then the licensed veterinarian, in his professional judgment, may treat, hospitalize or euthanize the animal without the permission of the owner. The veterinarian shall make such reports and keep such records of such sick or injured animals as may be prescribed by the Board of Veterinary Medicine, including the information required under subsection B of § 3.2-6557.

B. In no event shall a licensed veterinarian who has acted in good faith and properly exercised professional judgment regarding an animal be subject to liability for his actions in: (i) acting in accordance with subsection A; or (ii) reporting cases of suspected cruelty to animals.

WEST VIRGINIA

West Virginia requires veterinarians to report regarding animals “found, reasonably known or believed to be abandoned, neglected or cruelly treated as set forth in this article.” Veterinarians (and any other persons) have civil and criminal immunity for reporting. W. Va. Code § 7-10-4a(a). Any person who “with force, assaults, resists, or impedes any other person engaged in the reporting of abandoned, neglected or cruelly treated animals,” can be charged with a misdemeanor. W. Va. Code § 7-10-4a(b).

* * *

W. Va. Code § 7-10-4a. Reporting of animals abandoned, neglected or cruelly treated; enforcement.

(a) It is the duty of any licensed veterinarian and the right of any other person to report to a humane officer any animal found, reasonably known or believed to be abandoned, neglected or cruelly treated as set forth in this article, and such veterinarian or other person may not be subject to any civil or criminal liability as a result of such reporting.

(b) Any person who, with force, assaults, resists, or impedes any other person engaged in the reporting of abandoned, neglected or cruelly treated animals as provided for in this section is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two hundred fifty nor more than one thousand dollars, or confined in the county jail not more than one year, or both so fined and confined.

WISCONSIN

Wisconsin requires veterinarians to report suspected cases of animal abuse in the context of animal fighting. Wis. Stat. § 173.12(1).

* * *

Wis. Stat.173.12. Animal fighting; seizure.

(1) Any veterinarian who has reason to believe that an animal has been in a fight in violation of s. 951.08 shall report the matter to the local humane officer or to a local law enforcement agency. The report shall be in writing and shall include a description and the location of the animal, any injuries suffered by the animal and the name and address of the owner or person in charge of the animal, if known.

This guide provides general information about state statutes and regulations on animal abuse and cruelty. The HSUS/HSVMA is not rendering legal or other professional advice, and nothing on this site should be construed as such. We recommend that you consult a licensed attorney in the relevant jurisdiction for legal advice, interpretation, or a course of action appropriate to your particular situation.